

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TSHIAMALA NGELEKA OUMAR,

Plaintiff,

v.

JERRY BROWN,

Defendant.

Case No. 21-cv-06875-JD

**ORDER RE REPORT AND
RECOMMENDATION**

Magistrate Judge Kandis Westmore denied pro se plaintiff Tshiamala Ngeleka Oumar's application to proceed in forma pauperis, and denied his requests for reconsideration. Dkt. Nos. 5, 9, 18, 21. After granting several extensions of the deadline to pay the \$402 filing fee, Judge Westmore gave Oumar a final deadline of June 30, 2022 to pay the fee, and cautioned that another failure to pay would result in the case being reassigned to a district judge with the recommendation that it be dismissed without prejudice. Dkt. No. 25. Oumar did not pay the fee by June 30, 2022, and Judge Westmore filed a report recommending dismissal without prejudice under Federal Rule of Civil Procedure 41(b). Dkt. No. 27.


Oumar objected to the report and recommendation, Dkt. No. 29, and said that he paid the filing fee on August 26, 2022, with the assistance of his daughter. Dkt. Nos. 30-31. The record does not support this representation. The Western Union "recepisse d'emission" that Oumar relies upon as proof of payment is in French and does not show that a wire transfer was actually effected to Clerk's office. *See* Dkt. No. 31 at 2. The payment date Oumar claims is also two months late

1 under the magistrate judge's order. *See* Dkt. No. 25. In any event, the salient fact is that the
2 Clerk's office still has not received the filing fee, despite multiple opportunities for Oumar to pay
3 it.

4 Consequently, the report and recommendation is adopted, and the case is dismissed
5 without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

6 **IT IS SO ORDERED.**

7 Dated: October 7, 2022

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12 JAMES DONATO
13 United States District Judge
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